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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,734	06/27/2003	Yasushi Kobayashi	239613US3	5312
22850	7590	10/19/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.				KHAIRA, NAVNEET K
1940 DUKE STREET				
ALEXANDRIA, VA 22314				
				ART UNIT
				PAPER NUMBER
				3754

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/606,734	KOBAYASHI, YASUSHI
Examiner	Art Unit	
Navneet Sonia Khaira	3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 28 July 2005.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-4,6,7,9,10 and 12 is/are pending in the application.  
4a) Of the above claim(s) 5,8,11,13 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-4,6,7,9,10 and 12 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_ .

**DETAILED ACTION**

1. Applicant's election of figure 12 in the reply filed on July 28, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 5, 8, 11 and 13 are withdrawn from further consideration pursuant to 37 CFR 1.142 (b) as being drawn to a nonelected specie.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejection under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4,6,7,9,10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Giavasis (US 3,173,584).

Referring to claim 1, Giavasis discloses a liquid dispenser for a cap (120, fig 2) which is fitted to a mouth (114) of a container (112) holding a liquid therein (col 2, lines 21-25), which liquid dispenser comprises a liquid-lifting means (134, fig 2) supported on an upper wall of the cap (120) as pierced therethrough and comprised of a helical screw (col 3, lines 3-5) and a cylindrical tube (126, fig 2) encompassing the helical screw (col

3, lines 3-5), both having upper terminal parts (140,146) thrust upward individually from the upper wall and lower terminal parts (158, 160) inserted into the container (112) when the cap (120) is fitted to the mouth (114) of the container (112); and a housing (120) adapted to accommodate therein a helical screw-driving means (140) for rotating the helical screw (134, col 3, lines 32-40) in the liquid-lifting means (134,126) and furnished with a delivery nozzle (124) for allowing a liquid lifted by the liquid-lifting means (134,126) to flow out of the liquid dispenser (col 3, lines 40-44).

Referring to claim 2, Giavasis further discloses the helical screw-driving means (150, col 3 lines 32-40) is adapted to transmit a driving force of an electrical driving source and rotate the helical screw (134, col 3, lines 31-35), and the housing is provided at a proper position thereof with a switch (150) for driving and stopping the electrical driving source (134, col 3, lines 31-35).

Referring to claim 3, wherein the housing (112) is comprised of a lower case having an empty storage part for accommodating the helical screw-driving means (134,126) and a top face opening (114), and an upper case of a shape of a cover (120) for blocking the top face (114) opening of the lower case; the upper case is made of a material capable of deformation under an external force (switch 150) and restoration to an original shape by itself from the deformation and is furnished with a thin-wall part so as to function as a switching part (156) capable of deformation under an external force and restoration to an original shape by itself from the deformation, and the switching

part (156) is consequently adapted to turn on the electrical driving source (146,140) by application of an external pressure (on switch 150) for depressing the switching part (156) into the housing (120) and turn off the electrical driving source by releasing the external force applied to the switching part (156), thereby allowing the switching part to resume an original state.

Referring to claim 4, the delivery nozzle (124, fig 2) of the housing (100, fig 2) is disposed in an upward direction for enabling a liquid lifted by the liquid-lifting means (134, fig 3) to advance through an upwardly inclined path (126, dip tube) and reach an exhaust port (area which 164 points at, fig 2) and the delivery nozzle (124, fig 2) is provided in a lower part of the exhaust port (area which 164 points at, fig 2) with a liquid flow-inhibiting means for inhibiting a discharged liquid from flowing out of the exhaust port (area which 164 points at, fig 2), down a lower face of an outer tube of the nozzle (124,fig 2), toward a main body side of the housing (100, fig 2).

Referring to claims 6 and 7, Giavasis further discloses a switching part (156) is provided with an auxiliary switching piece (150) shaped to cover at least the switching part (156, fig 2) of the housing (100, fig 2) and rendered shiftable between a state incapable of acting on the switching part and a state capable of depressing the switching part (col 2, lines 40-43), and the electrical driving source (144) of the helical screw-driving means (146) is switched by a shifting motion of the auxiliary switching piece (col 3, lines 32-35).

Referring to claims 9, 10, and 12, Giavasis further discloses the helical screw-driving means (150, col 3 lines 32-40) comprises a motor (144, fig 2) having a rotational shaft (gear 146, fig 2) disposed in a lateral direction therein, which motor (144) is the electrical driving source, a driving force-transmitting mechanism for transmitting rotation (col 3, lines 32-37) of the rotational shaft (146, fig 2) as the driving force for the helical screw (134, col 3 line 39), and a laterally disposed battery (152, fig 2) for feeding electricity to the motor (144) to complete the housing in a thin construction (battery disposed in handle for thin construction).

***Citation of Related Prior Art***

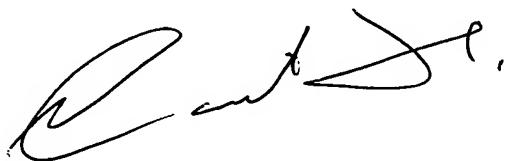
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Grome et al (US 5,052,593), Watanabe (US 3,723,020), Chi (US 3,523,629), Muderlak (US 5,249,718), Churchill et al (US 2, 605,021) and Zhang (6,688,499) references also disclosed dispenser with a liquid-lifting device.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet Sonia Khaira whose telephone number is 571-272-7142. The examiner can normally be reached on 9am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mar Y. Michael can be reached on 571-272-4906. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Navneet Sonia Khaira  
Examiner  
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